

SENATE BILL No. 283

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-2-152.9; IC 35-31.5-2; IC 35-46-10.

Synopsis: Counterterrorism. Defines "terrorist associated person" as a person who: (1) is named on the FBI's terrorist watch list; or (2) is an illegal alien from a state that is occupied by certain terrorist organizations. Provides that a terrorist associated person who: (1) communicates by cellular telephone or another cellular device; or (2) publishes a communication on a social media web site; commits unlawful communication by a terrorist associated person, a Level 4 felony. Requires a law enforcement agency with probable cause to believe that a terrorist associated person is committing unlawful communication by a terrorist associated person to notify the telecommunications provider or social media web site through which the terrorist associated person is communicating. Provides that a telecommunications provider or social media web site owner that does not block a communication from a terrorist associated person within five days of being notified by law enforcement commits a Class A infraction. Provides a defense and grants immunity to a telecommunications provider and social media web site owner under certain circumstances.

Effective: July 1, 2016.

Delph

January 7, 2016, read first time and referred to Committee on Homeland Security & Transportation.



Second Regular Session 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

SENATE BILL No. 283

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-2-152.9 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2016]: **Sec. 152.9. IC 35-46-10-6 (Concerning**
4 **actions taken by a social media web site owner or**
5 **telecommunications services provider with respect to a terrorist**
6 **associated person).**

7 SECTION 2. IC 35-31.5-2-15, AS AMENDED BY P.L.13-2013,
8 SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2016]: Sec. 15. "Alien", for purposes of IC 35-44.1-5 **and**
10 **IC 35-46-10**, has the meaning set forth in IC 35-44.1-5-2.

11 SECTION 3. IC 35-31.5-2-164.5 IS ADDED TO THE INDIANA
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2016]: **Sec. 164.5. "Illegal alien", for**
14 **purposes of IC 35-46-10, has the meaning set forth in**
15 **IC 35-46-10-1.**

16 SECTION 4. IC 35-31.5-2-329.1 IS ADDED TO THE INDIANA
17 CODE AS A **NEW** SECTION TO READ AS FOLLOWS



[EFFECTIVE JULY 1, 2016]: **Sec. 329.1. "Terrorist associated person", for purposes of IC 35-46-10, has the meaning set forth in IC 35-46-10-1.**

SECTION 5. IC 35-31.5-2-329.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 329.5. "Terrorist state", for purposes of IC 35-46-10, has the meaning set forth in IC 35-46-10-1.**

SECTION 6. IC 35-31.5-2-329.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 329.8. "Terrorist watch list", for purposes of IC 35-46-10, has the meaning set forth in IC 35-46-10-1.**

SECTION 7. IC 35-31.5-2-328, AS ADDED BY P.L.114-2012, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 328. "Telecommunications service provider", for purposes of IC 35-45-13 and IC 35-46-10, has the meaning set forth in IC 35-45-13-5.**

SECTION 8. IC 35-46-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

Chapter 10. Terrorist Associated Persons

Sec. 1. The following definitions apply throughout this chapter:

(1) **"Illegal alien" means an alien who has come to, entered, or remained in the United States in violation of law.**

(2) **"Terrorist associated person" means:**

(A) **a person named on the terrorist watch list; or**

(B) **an illegal alien:**

(i) **from a terrorist state; or**

(ii) **who resided in a terrorist state.**

(3) **"Terrorist state" means a state that contains territory occupied by:**

(A) **ISIS;**

(B) **ISIL;**

(C) **Daesh;**

(D) **Al-Qaeda in the Arabian Peninsula;**

(E) **Boko Haram; or**

(F) **any other group designated as a Foreign Terrorist Organization by the United States Department of State in accordance with Section 219 of the Immigration and Nationality Act of 1965 (8 U.S.C. 1101 et seq.).**

(4) **"Terrorist watch list" means the consolidated Terrorist**



1 Watch List maintained by the Federal Bureau of
2 Investigation's Terrorist Screening Center.

3 Sec. 2. A terrorist associated person who knowingly or
4 intentionally:

5 (1) communicates by cellular telephone or another cellular
6 device; or

7 (2) publishes a communication on a social media web site;
8 commits unlawful communication by a terrorist associated person,
9 a Level 4 felony.

10 Sec. 3. (a) A law enforcement officer or agency who has
11 probable cause to believe that a terrorist associated person is
12 violating section 2 of this chapter shall notify:

13 (1) the telecommunications service provider who provides the
14 cellular service, if the person is communicating by cellular
15 telephone or another cellular device;

16 (2) the owner of the social media web site if the person is
17 publishing a communication on a social media web site; or

18 (3) both.

19 (b) At the time a law enforcement officer or agency makes a
20 notification under subsection (a), or as soon as practicable after
21 making the notification, the law enforcement officer or agency
22 shall provide the telecommunications service provider or social
23 media web site owner with the following identifying information,
24 if available:

25 (1) The name of the terrorist associated person.

26 (2) The address of the terrorist associated person.

27 (3) The username of the terrorist associated person.

28 (4) The telephone number of the terrorist associated person.

29 (5) The credit card number or other billing information of the
30 terrorist associated person.

31 (6) Any other relevant identifying information of the terrorist
32 associated person that would assist in specifically identifying
33 the person's user account with the social media web site or
34 telecommunications service provider.

35 Sec. 4. Not later than five (5) days after receiving a notification
36 under section 3 of this chapter, the:

37 (1) telecommunications service provider shall block any
38 cellular communication that originates in Indiana and is made
39 by the terrorist associated person; and

40 (2) owner of the social media web site shall block any
41 publication by the terrorist associated person on the social
42 media web site if the publication originates in Indiana.



1 **Sec. 5. (a) A telecommunications service provider or an owner**
2 **of a social media web site that fails to comply with section 4 of this**
3 **chapter commits a Class A infraction.**

4 **(b) Each day that a telecommunications service provider or**
5 **owner of a social media web site fails to comply with subsection (a)**
6 **constitutes a separate infraction.**

7 **(c) It is a defense to an action under this section that the**
8 **telecommunications service provider or social media web site**
9 **owner was unable to specifically identify the terrorist associated**
10 **person's user account.**

11 **Sec. 6. (a) Except as provided in subsection (b), a**
12 **telecommunications service provider or an owner of a social media**
13 **web site is not civilly liable for any claim arising from:**

14 **(1) the receipt of identifying information concerning a person**
15 **identified as a terrorist associated person; or**

16 **(2) an act performed in a good faith attempt to comply with**
17 **section 4 of this chapter.**

18 **(b) The immunity from liability provided in this section does not**
19 **apply to an act that constitutes gross negligence or willful or**
20 **wanton misconduct.**

